

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2-WAY COMPUTING, INC.,

Plaintiff,

vs.

SPRINT SOLUTIONS, INC., et al.,

Defendants.

Case No.2:11-cv-00012-JCM-PAL

ORDER

(Mtn to Seal - Dkt. #144)

This matter is before the court on Plaintiff 2-Way Computing, Inc.'s Motion for Leave to File Under Seal (Dkt. #144). No response to the Motion was filed, and the time for filing one has now run. The court has considered the Motion.

Plaintiff seeks an order, pursuant to LR 10-5(b), sealing its Opposition (Dkt. #145) to Defendants' Motions for Summary Judgment and related exhibits and declarations. On March 20, 2011, the court entered a Protective Order (Dkt. #39) to facilitate the parties' discovery exchanges in this case. On May 24, 2012, the court entered an Order (Dkt. #99) approving the parties stipulated amendment to the Protective Order. Plaintiffs assert that the Opposition (Dkt. #145) and its related attachments (Dkt. ##146, 147) should remain under seal because they contain confidential information that should not be publicly available. Specifically, the information relates to the development and operation of the proprietary iDEN and QChat systems, including how devices that use such technology operate.

In the Ninth Circuit, it is well-established that the "fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively public." *San Jose Mercury News v. United States District Court*, 187 F.3d 1096, 1103 (9th Cir.1999). However, where a party opposing disclosure shows compelling reasons for limiting access to litigation documents and information produced during

1 discovery and attached to dispositive motions, the materials may be filed under seal. *See Kamakana v.*
2 *City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). The court finds Plaintiff has stated
3 compelling reasons for maintaining the confidentiality of documents filed in connection with the
4 Opposition to Defendants' Motions for Summary Judgment.

5 Accordingly,

6 **IT IS ORDERED** that Plaintiff's Motion to Seal (Dkt. #144) is GRANTED.

7 Dated this 24th day of March, 2014.
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11 PEGGY A. GREEN
12 UNITED STATES MAGISTRATE JUDGE
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